

Testimony In Support Of AB 307
October 11, 2011
David Pifer, Managing Attorney
Legal Action of Wisconsin

I am here to support AB 307.

I am the managing attorney for the Milwaukee office of Legal Action of Wisconsin. I represent low-income individuals in their effort to obtain a driver's license and have done so over the last fourteen years. The lack of a driver's license is continually identified by my clients as a major barrier to obtaining employment.

As such, a suspension resulting from an uninsured accident is among the most difficult to resolve, because the suspension lasts 20 years. A suspended driver found liable for damages resulting from an uninsured accident faces limited options: set up a payment plan, go bankrupt or wait 20 years. A low-income individual really has only two options: go bankrupt or wait 20 years.

While a 5 year suspension may make sense as a penalty for causing an uninsured accident, a 20 year suspension does not. It is simply too harsh and bad public policy. It unreasonably denies individuals a driver's license that will foster employment. Every day my clients must transport children, buy food and go to work, and they are forced to decide between driving illegally and damaging their credit by a bankruptcy.

Many of our clients have chosen bankruptcy because it is the only way out of a bad situation. It has a further unintended result of increasing the number of bankruptcies filed by uncollectible debtors. The bankruptcy court in Milwaukee recently contacted both retired judge James Gramling and an attorney in my office to ask why we were sending so many uncollectible debtors to the court. It never dawned on them that there might be a state law reason why uncollectible debtors would seek the protection of the bankruptcy court. A law forcing individuals into bankruptcy because they wish to drive legally is inefficient, a bad use of court time and scarce resources, and bad public policy.

The current statute is the only one I know of that uses state law and resources to collect private damage judgments. When weighed against the harm the law causes, it makes sense to adopt the changes contained in AB 307. Therefore, I would ask that you support the bill.